

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): UEMURA
 Appln. No.: 09 | 900,980
 Series Code ↑ | Serial No. ↑
 Filed: July 10, 2002
 Hon. Commissioner of Patents
 Washington, D.C. 20231



Group Art 2813
 Examiner: Schillinger, Laura M.
 Atty. Dkt. P 281542 | T36-135083M/KOH
 M# Client Ref
 Appln. Title: GROUP III NITRIDE COMPOUND
 SEMICONDUCTOR LIGHT-EMITTING
 DEVICE

Sir:

REPLY/AMENDMENT/LETTER

Date: July 8, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim		Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm	
A. <input checked="" type="checkbox"/> NOT made	For B & C See Required Separate Paper (Pat-256)							
2. Total Effective Claims		11	**minus	20	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims		3	***minus	3	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)			add			+ \$280/\$140 =	+ \$0	104/204
5. Original due Date:		<input checked="" type="checkbox"/> NONE						
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo)	\$110/\$55 =					115/215
		(2 mos)	\$400/\$200 =			+ \$0		116/216
		(3 mos)	\$920/\$460 =					117/217
		(4 mos)	\$1,440/\$720 =					118/218
		(5 mos)	\$1,960/\$980 =					128/228
7. Enter any previous extension fee paid since above original due date and subtract					- \$0			
8.						Extension Fee	+ \$0	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee						+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c),		add				+ \$180	+ \$0	126
or if Rule 97(d) Request		add				+ \$180	+ \$0	126
11. After-Final Request Fee per rules 129(a) and 17(r)						+ \$740/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b).....						x \$740/370 ea	+ \$0	149/249
13. Request for Continued Examination (RCE)						+ \$740/370	+ \$0	1179/1279
14. Petition fee for						+ \$0		
15.						TOTAL FEE =	\$0	
16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".								
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.								
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.								
							PLEASE CHARGE OUR DEP. ACCT	

Our Deposit Account No. 03-3975
 (Our Order No. 51273 281542

C# M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

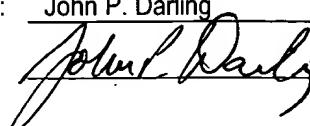
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
 Intellectual Property Group

By Atty: John P. Darling

Reg. No. 44,489

Sig: Fax: (703) 905-2500
 Tel: (703) 905-2045

1600 Tysons Boulevard
 McLean, VA 22102
 Tel: (703) 905-2000

Atty/Sec: JPD/tmt

NOTE: File this sheet in duplicate with PTO receipt (PAT-103A) and attachments

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OFFICE OF PETITIONS

PAT-120 5/02



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No.: 6932

UEMURA

Group Art Unit: 2813

Application No.: 09/900,980

Examiner: Schillinger, Laura M.

Filed: July 10, 2001

Title: GROUP III NITRIDE COMPOUND SEMICONDUCTOR LIGHT-EMITTING DEVICE

* * * *

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July 8, 2002

AUG 10 2002

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PETITION UNDER 37 C.F.R. §1.181

Hon. Commissioner of Patents
and Trademarks

Washington, DC 20231

Sir:

In accordance with 37 C.F.R. §1.181(a)(1), Applicant hereby petitions the Commissioner for a new Office Action and resetting of the period for reply in the above-identified application. In addition, Applicant respectfully requests the Commissioner to order that the current Office Action, dated March 2, 2002, be stricken from the record.

FACTS

The above-identified application was filed on July 10, 2001. As clearly shown by the enclosed date-stamped receipt, the above-identified application included 1 page of abstract, 21 pages of specification and claims, 11 numbered claims and 4 sheets of drawings including figures 1-5.

As also shown by the July 10 date-stamped receipt, an Information Disclosure Statement (IDS) letter was included with the filing of the above-identified application. In addition to the IDS letter, a PTO-1449, the cited documents and a cited co-pending related

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application were included. The related co-pending application submitted with the IDS letter was U.S. Application 09/845,336, filed May 1, 2001. The copy of co-pending related U.S. Application 09/845,336 included with the IDS letter included one page of abstract, 41 pages of specification and claims, 14 numbered claims and 7 pages of drawing including figures 1-7.

On March 20, 2002, the undersigned received an Office Action dated March 8, 2002, purportedly directed to the above-identified application. The Office Action was issued by Examiner Laura Schillinger. As clearly indicated in the Office Action Summary (PTO-326) and the Detailed Action, Examiner Schillinger examined claims 1-14. However, as discussed above, the above identified application includes numbered claims 1-11.

Upon a review of the file, the undersigned determined that Examiner Schillinger had inadvertently examined related co-pending U.S. Application 09/845,336, submitted with the IDS letter included with the above-identified application on the July 10, 2001 filing date. In an April 16, 2002 telephone conference between Examiner Schillinger and the undersigned, the undersigned agreed to file a Request for a New Office Action and Restarting of the Period for Reply Under MPEP §710.06. Such request was prepared and filed on April 19, 2002, as clearly shown by the enclosed date-stamped receipt.

In a June 12, 2002 telephone conference between Examiner Schillinger and the undersigned, Examiner Schillinger indicated that she had forwarded the file wrapper to Supervisory Patent Examiner Chaudhuri for consideration of the Request filed April 19, 2002. Examiner Schillinger also indicated that the file wrapper contained only a single application having 14 claims.

In a June 18, 2002 telephone conference between Examiner Chaudhuri and the undersigned, the undersigned agreed to provide a copy of the above identified application as filed along with a copy of the July 10, 2001 dated-stamp receipt indicating receipt of the

above-identified application by the Patent Office. The undersigned prepared and forwarded a copy of the application as filed and a copy of the date-stamped receipt. A copy of the PTO's auto-reply facsimile transmission, dated June 18, 2002 indicating receipt of the 29 page facsimile is enclosed.

REQUEST

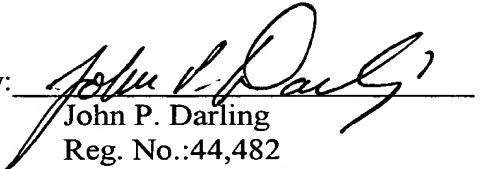
The undersigned respectfully requests admission of the copy of the application as forwarded to Examiner Chaudhuri by facsimile on June 18, 2002. In addition, the undersigned respectfully requests that the file wrapper be forwarded to Examiner Schillinger for search and examination of the claimed subject matter claimed in claims 1-11. Finally, the undersigned respectfully requests that the Office Action issued May 8, 2002 by Examiner Schillinger be stricken from the record as the Detailed Action portion of the March 8, 2002 Office Action is directed to the claimed subject matter of claims 1-14 of related co-pending U.S. Application 09/845,336. The undersigned has already received an Office Action from Examiner Andy Huynh of Art Unit 2818 dated January 31, 2002, directed to the subject matter recited in claims 1-14 of U.S. Application 09/845,336. Applicants have already responded to the January 31, 2002 Office Action issued by Examiner Huynh and respectfully submit that they are under no obligation to respond to the March 8, 2002 Office Action issued by Examiner Schillinger.

In addition, it is respectfully submitted that as the March 8, 2002 Office Action issued by Examiner Schillinger differs from the January 31, 2002 Office Action issued by Examiner Huynh, it is respectfully submitted that the two Office Actions are in conflict and that only the Office Action properly issued by Examiner Huynh should remain part of the written record of U.S. Application 09/845,336.

Finally, it is respectfully submitted that no fee is due for this Petition under 37 C.F.R. §§1.17 and 1.136 as it is respectfully submitted that the April 19, 2002 Request was fully responsive to the March 8, 2002 Office Action. In the event that any fee is believed due to ensure consideration of this Petition, the undersigned authorizes charging of Deposit Account No. 03-3975 (Order No. 51273/281542) in the amount necessary to ensure such consideration.

Respectfully submitted,
Pillsbury Winthrop LLP

By:


John P. Darling
Reg. No.:44,482
Tel. No.: (703) 905-2045
Fax No.: (703) 905-2500

JPD\tmt

Enclosures:

July 10, 2001 date-stamped receipt
April 19, 2002 date-stamped receipt
June 18, 2002 auto-reply facsimile transmission

P.O. Box 10500
McLean, VA 22102

(703) 905-2000

1/18/02 16:15:20

SPTO->

703 905 2500 Right X

TO: Auto-reply fax to 703 905 2500 COMPANY:

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TO:

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29 (including cover page)

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Page
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Jun-18-2002 04:05pm From PILLSBURY WINTHROP 703-905-2500 T-STD P.001 F-735
Intellectual Property Group of
Pillsbury Winthrop LLP
Attorneys at Law
P.O. Box 30500
McLean, VA 22103
Telephone: (703) 905-2000
Our Facsimile #: (703) 905-2500
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TO: UNITED STATES PATENT AND TRADEMARK OFFICE
FACSIMILE #: (703) 246-3912

No. Pages (Including this page): 28 FAX OPR: JOHN DARLING

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or (703) 905-2000 (Local)

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ABOVE BY FAXING THIS PAGE BACK TO ONE OF OUR FACSIMILE
NUMBERS LISTED ABOVE

In re PATENT APPLICATION #
Inventor(s): DEBTRA
Appl. No. 09/910,980 Group Art Unit: 2812
Series code: 1 Serial no. Examiner: Chaudhuri
Filed: July 10, 2001 Atty. Dkt. # 281242
Title: GROWTH RATE NITRIDE COMPOUND
SEMICONDUCTOR LIGHT-EMITTING
DEVICE Date: June 14, 2002

Name of Lyrn or signed paper being transmitted:
JOHN D. DARLING
Examiner Chaudhuri.

Further to our discussion, enclosed are the 21 pages of specification, 11 claims, 1 page of abstract and 6 pages of drawing figures for U.S. Application 09/910,980, and our date-stamped receipt. Please contact me at (703) 905-2045 if there is anything else you need.

John D. Darling
Sig. No. 44,482

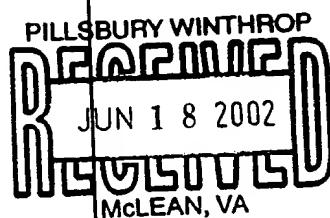
(ATTN: Atty/Secy., Examiner only accept paper version. All papers not acceptable by fax, see back side of LAR
Patent Secretary PAT-216 back. Do not file originals and faxing them in our file 'DO NOT' send the originals nor a certification copy to the PTO.)

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to U.S. Patent
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PAT-103 3/01 PTO RECEIPT FOR INDICATED ITEMS

Appln. No: 0 /

Atty CDD

Date 07/10/01

Inventor(s) UEMURA

C# 51273

Title: GROUP III NITRIDE COMPOUND ...

M# 281542

ENCLOSED:

Amendment Appendix

1 No. of Pages Abstract

21 No. of Pages Spec and Claims

11 No. of numbered Claims only

Declaration (2 #pgs)

Assignment Cover Sheet

1 No. of Priority Documents

4 No. Sheets Drawings (Fig(s) 1 to 5) 1 set Formal

IDS Letter cited Appl(s). Foreign sch rept./OA

PTO-1449 cited docs.

\$ 750 Fee (Check)

Other:



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Use 2 postcards for all New Applns. (cont/Div/CIP, too)
Use this sheet when filing CPA

Appln. No. 108/900,980	Atty: John P. Darling/Togba
First Inventor: UEMURA	Date: April 19, 2002
GROUP III NITRIDE COMPOUND SEMICONDUCTOR LIGHT-EMITTING DEVICE	Matter No: 281542
	Client No: 51273

ENCLOSED:

Response/Amendment Appendix Cover Sheet Cited/Listed Documents

Completion Request for R 53(f)/PCT Nat.

No. of Pages Abstract

No. of Pages Spec and Claims

No. of Numbered Claims Only

No. of Sheets of Drawings (Figs)

1 Set Formal 1 Set Informal Cover Letter

Declaration # of pages

Assignment Cover Sheet

Small Entity Declaration

Extension Petition (PAT-111)

No. of Priority Documents

IDS Letter Cited Appln(s) Foreign Sch Rep/OA

PTO-1449 Cited Documents

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OTHER: July 10, 2001 Date-Stamped Receipt

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